

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action dated August 6, 2008. Claims 1-38 are currently pending, of which claim 26 is amended herein, claims 33-38 are new, and claims 1-25 have been previously withdrawn from consideration. In light of the remarks that follow, early and favorable reconsideration and allowance of this application are respectfully requested.

Claims 26-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,683,940 to Debue (hereinafter "Debue"). Applicant respectfully submits that that independent claim 26, as amended herein is allowable over Debue because Debue fails to disclose the limitations of independent claim 26. Accordingly the rejection of independent claim 26, under 35 U.S.C. § 102(b) is respectfully traversed.

Applicant respectfully submits that Debue does not anticipate independent claim 26. Pursuant to 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. Applicant submits that Debue fails to disclose each and every element recited in claim 26.

Independent claim 26 recites an expandable joining member for joining body vessels including, *inter alia*, "at least one locking tab extending tangentially from [a] first side terminal edge; and wherein the at least one locking tab inhibits the annular body from returning to the first

In an embodiment of the present application, as depicted in FIG. 1 below for example, a joining member 200 includes a locking tab 220 extending tangentially from side terminal edge 206. Each locking tab 220 includes an outer surface 222 which extends tangentially from the outer surface of an annular body 202. (See paragraph [0049]).

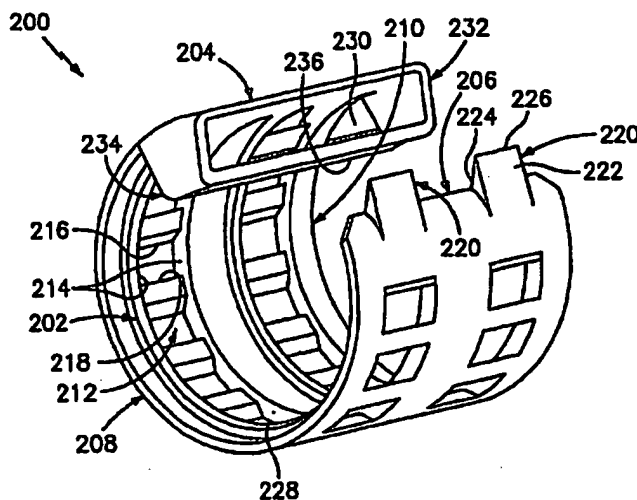
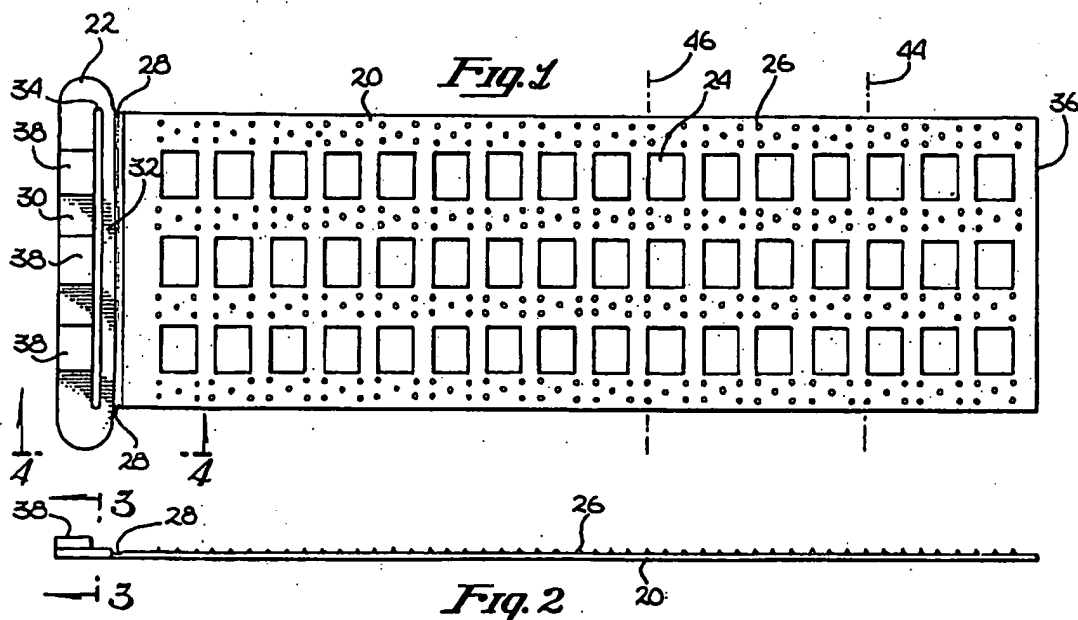


FIG. 1

A smooth transition is established between the outer surface of the annular body 202 and the outer surface 222 of the locking tabs 220, which extends tangentially therefrom. This smooth transition facilitates sliding the outer surface 222 of the locking tabs 220 over the annular body portion 202 to permit radial expansion of the joining member 200 (paragraph [0052]). The smooth transition is desirable for engaging a body vessel. In cooperation with other features of

joining member 200, this sliding of the locking tabs 220 permits the joining member 200 to be radially expanded even as the locking tabs 220 are engaged with openings 212. Furthermore, as described in paragraphs [0052] and [0072], the locking tab 220 may slide into an opening 212 to prevent the joining member from retracting when the body vessels apply a radially inward oriented constriction force about an outer surface of the annular body portion.

In contrast to claim 1, Debye discloses an adjustable hair curler, which may be rolled from a flat configuration to a rolled configuration and locked into a plurality of hair curler sizes. As seen in FIGS. 1 and 2 below, the hair curler includes a rectangular section 20 with a plurality of holes 24 extending therethrough. A plurality of protrusions 38 are configured to mate with the holes 24 as described at col. 3, lines 50-53.



In order to mate with the holes 24, protrusions 38 project perpendicularly or radially from a forward member 30 by a distance of about three times the thickness of the forward member 30. The projections 38 are urged into locking engagement with the holes 24 by the elasticity of the hair curler's material (col. 4, lines 1-2). Therefore, the protrusions 38 do not slide over rectangular section 20 in either direction, and must be purposefully removed from the holes 24. In order to "change the roller diameter or to unroll the roller, finger pressure is to be first applied on the laterally projecting areas 40 to elastically deflect the forward member 30" (col. 4, lines 4-7). The roller requires a "strong locking action, thereby requiring considerable force to lock and unlock the roller at various sizes."

Applicant respectfully submits that Debue fails to disclose a "locking tab extending tangentially" from a side edge as recited in independent claim 26. Since projections 38 extend perpendicularly from forward member 30, the hair curler described by Debue may not be radially expanded when the projections 38 are engaged with the holes 24 in the same manner permitted by the locking tabs 220 extending tangentially from a side edge of joining member 200.

Moreover, Applicant submits that Debue also fails to disclose that "the at least one locking tab inhibits the annular body from returning to the first diameter when the body vessels apply a radially inward oriented constriction force about an outer surface of the annular body portion," as recited in claim 26.

In view of the foregoing, Applicant respectfully submits that the structure described in independent claim 26 is not taught, disclosed or contemplated by Debue or the prior art

references of record. Accordingly, Applicant respectfully submits that claim 26, as amended herein, is patently distinguishable over Debue, and therefore allowable over Debue under 35 U.S.C. § 102(b).

As claims 27-32 depend, directly or indirectly, from claim 26 and contain all of the features of claim 26, Applicant respectfully submits that claims 27-32 are also allowable over Debue under 35 U.S.C. § 102(b). Applicant respectfully submits that the rejections of each of the claims 26-32 have been overcome and should be withdrawn.

Newly presented claims 33-38 also relate to a radially expandable joining member. Applicant respectfully submits that claims 33-38 are allowable over the prior art of record.

Independent claim 33 recites a radially expandable joining member including, *inter alia*, "at least one locking tab extending both tangentially and radially beyond the first side terminal edge." As depicted in FIG. 1 above, locking tabs 220 extend beyond terminal edge 206 to define a terminal edge 226 that is spaced from terminal edge 206 both tangentially (e.g., in a circumferential or longitudinal direction) and radially.

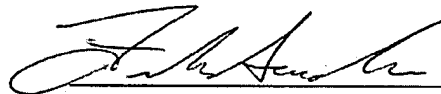
As discussed above with reference to independent claim 26, Debue discloses protrusions 38 that project only perpendicularly or radially from forward member 30. None of the prior art references of record disclose a radially expandable joining member that includes a locking tab extending both tangentially and radially beyond a side terminal edge of the joining member. Accordingly, Applicant respectfully submits that independent claim 33 is allowable over the

prior art of record. As claims 34-38 depend, directly or indirectly from claim 33, Applicant respectfully submits that claims 34-38 are also allowable over the prior art of record.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 26-38 is earnestly solicited.

Respectfully submitted,



Francesco Sardone
Reg. No. 47,918
Attorney for Applicants(s)

CARTER, DeLUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road, Suite 420
Melville, New York 11747
Phone: (631) 501-5700
Fax: (631) 501-3526
FS/nr